

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JUL 13 2017

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

MAGGIE RUSSELL TOWER
H.J. RUSSELL AND COMPANY,

Plaintiff/Landlord,

VS.

FEDERAL CASE NO: 1:17-CV-2628

TWT

WILLIE JONES
400 RALPH MCGILL BLVD, APT 6K
ATLANTA, GA 30312

Cross Reference Number to the
Magistrate Court # 17ED034050

Defendant

**MOTION TO VACATE AND SET ASIDE WRONGFUL EVICTION AND
DISPOSSESSORY AND DECLARATORY RELIEF PRELIMINARY STATEMENT,
AND LACK OF SUBJECT MATTER JURISDICTION,
EMERGENCY MOTION INJUNCTION RELIEF,
SET ASIDE WRIT OF POSSESSION**

APPLICABLE LAW

**The following Applicable Statues are set forth in this Petition for Declaratory Relief as
Mandatory Authority; Article 3 Section 603 of the UCC, O.C.G.A. 44-14-161, O.C.G.A. 44-
14-162. 1 , O.C.G.A.44-14-162.2 , O.C.G.A. 44-14-162 and O.C.G.A. 44-14-162**

1.

This action is brought by Defendant Willie Jones through discovery of evidence and pursuant to O.C.G.A. 9-11-60 (2010) 9-11-60. Relief from judgments, (a) Collateral Attack, (b) Complaint to set aside, (1) Lack of Jurisdiction over the person or the subject matter; (2) Fraud, accident, or mistake or the acts of the adverse party unmixed with the negligence or fault of the movant; or (3) A nonamendable defect which appears upon the face of the record or pleadings. Willie Jones who is the Tenant, who holds a rental lease agreement to the property located at 400 Ralph McGill Blvd, Apt 6K, Atlanta, GA 30312 Fulton **County** against Maggie Russell Tower, H.J. Russell and Company. Defendant Willie Jones is seeking protection under the Jurisdiction of this court for the following justified causes for action:

AUTHORITY

**O.C.G.A. 9-11-60(2010) 9-11-60. Relief from Judgments.
Refer to Millken v. Meyer, 311 U.S. 547, 61 S. CT. 339, 85 L. ED. 2d 278 (1940).**

**“Void judgments are those rendered by a court which lacked jurisdiction,
Either of the subject matter or the parties.”**

JURISDICTION

2.

Jurisdiction and venue of this Court over this matter is invoked pursuant to the 28 U.S.C. A§ 1331, 1332, 1343 and 1357. The amount in controversy exceeds over the estimated rent price.

PARTIES

3.

Defendant Willie Jones is the tenant and the property is located at 400 Ralph McGill Blvd, Apt 6K, Atlanta, GA 30312

4.

Plaintiff who is showing a physical address at 400 Ralph McGill Blvd, Atlanta, GA 30312.

Defendant is asking for a physical address from the Plaintiff.

5.

Plaintiff (herein referred to as The Landlord) may be served with a copy of this Motion.

NATURE OF THE ACTION

6.7.8.

This is an action to enjoin Plaintiff and the Fulton County Judge from conducting and enforcing an illegal writ of possession. With respect to property located at 400 Ralph McGill Blvd, Atlanta, GA 30312 Fulton County, against Defendant Willie Jones and to set aside the WRIT OF POSSESSION and to suspend any payments into the registry of Magistrate Court of Fulton County. Said property is located within this District. Defendant Willie Jones further seeks an emergency temporary restraining order, a preliminary injunction, legal research fees, and other necessary and proper relief to postpone the Writ Of Possession in the Magistrate Court of Fulton County

COUNT I

ILLEGAL DISPOSSESSORY AND WRIT OF POSSESSION

9.

The averments of paragraph 1-11 above are re-averred and incorporated herein by reference.

10.

Defendant Willie Jones avers that attorney of the Plaintiff filed for illegal dispossessory and writ of possession piggy-backed upon having no legal standing to file a writ of possession because the Plaintiff never showed up for court on May 23rd, 2017.

11.

Defendant avers that Plaintiff knew in advance the truth of allegations, they fostered an air of conspiracy to willfully, maliciously and intentionally conspire with the clerk of the court of Fulton County and the Attorneys of the Plaintiff ("the Landlord") to deprive the Defendant Willie Jones of due process, while acting under color of law to conduct an illegal eviction, dispossessory and writ of possession.

PRAYER FOR RELIEF

WHEREFORE, the Defendant respectfully requests that this Court:

1. Enjoin and issue **INSTANTER**, an EMERGENCY TEMPORARY RESTRAINING ORDER, preliminary and interlocutory injunction against the Plaintiff, illegal dispossessory proceedings and writ possession issued in the Magistrate Court of Fulton County;

2. Enjoin and issue **INSTANTER** an emergency temporary restraining order preliminary and interlocutory injunction against the Plaintiff

3. Enjoin and issue **INSTANTER** an emergency temporary restraining order, preliminary and interlocutory injunction against the Plaintiff illegal Eviction;

4. Award punitive or exemplary damages in an amount to be determined at trial;

5. Award actual and compensatory damages, including those for mental anguish, in an amount to be determined at trial;

6. Issue an **INSTANTER ORDER** vacating and setting aside the Writ of Possession and Eviction conducted by Plaintiff.


7. Issue and **INSTANTER** an emergency restraining order to stop Writ Of Possession that was filed in the Magistrate Court of Fulton County.

8. Grant such other or further relief as is appropriate.

- a.) VOID Writ of Eviction, Fulton County Magistrate Court with Case No. 17ED034050.
- b.) VOID Wrongful Eviction.
- c.) Injunctive Relief against Plaintiff Maggie Russell Tower, H.J. Russell and Company.

d.) Any further this court deems as proper and justified.

Respectfully Signed,



Willie Jones
(Petitioner Pro Se)
400 Ralph McGill Blvd, Apt 6K
Atlanta, GA 30312

VERIFICATION

Personally appeared before me, the **undersigned** officer, duly sworn authorized and qualified to administer oaths, who after being duly sworn, deposes and states on oath that the information within the foregoing **MOTION** is true and correct to the best of my knowledge.

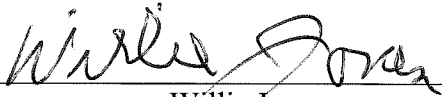
CERTIFICATE OF SERVICE

I, Willie Jones hereby certify that a copy of the foregoing **MOTION** and **VERIFICATION** has been served pursuant to Fed.R. Civ.P 4 this 12th day of July 2017 upon all interested parties named below by regular United States Mail postage prepaid, unless another manner of service is expressly indicated, to ensure proper delivery:

MAGGIE RUSSELL TOWER, H.J. RUSSELL AND COMPANY
400 RALPH MCGILL BLVD
ATLANTA, GA. 30312

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
Executed on July 12, 2017 By:

Signed



Willie Jones
(Petitioner Pro Se)

This 12th day of July 2017